

United States District Court, Northern District of Illinois 

Name of Assigned Judge or Magistrate Judge	Samuel Der-Yeghiayan	Sitting Judge if Other than Assigned Judge	
CASE NUMBER	12 C 10221	DATE	1/16/2013
CASE TITLE	Suppressed vs. Suppressed		

DOCKET ENTRY TEXT

For the reasons stated below, Plaintiff's motion to extend the TRO is denied. Although Plaintiffs did not raise this issue at the time that the preliminary injunction hearing was scheduled, since Plaintiffs now indicate that they are concerned that an injunction will not be in place between January 18, 2013, and January 22, 2013, the court will strike the preliminary injunction hearing set for January 22, 2013, and schedule the preliminary injunction hearing for 10:00 a.m. on January 17, 2013.

[For further details see text below.]

Docketing to mail notices.

STATEMENT

This matter is before the court on Plaintiffs' *ex parte* motion to extend the temporary restraining order (TRO) entered in this case. Pursuant to Federal Rule of Civil Procedure 65 (Rule 65), a TRO can be entered for 14 days and can be extended for good cause for an additional 14 days. Fed. R. Civ. P. 65. On December 21, 2013, a TRO was entered in the instant action, and the TRO was extended to January 18, 2013. A preliminary injunction hearing is set for January 22, 2013. Plaintiffs request a further extension of the TRO until January 22, 2013. In *H-D Michigan, LLC v. Hellenic Duty Free Shops S.A.*, 694 F.3d 827 (7th Cir. 2012), the Seventh Circuit stated that "the language of Rule 65(b)(2) and the great weight of authority support the view that 28 days is the outer limit for a TRO without the consent of the enjoined party, regardless of whether the TRO was issued with or without notice." *Id.* at 844. If the injunctive relief granted in the TRO continues beyond the 28 day period provided in Rule 65, the TRO automatically becomes an appealable preliminary injunction and the court is required to have provided a sufficiently detailed justification for the entry of such a preliminary injunction. *Id.* at 844-45. In the instant action, Plaintiff does not indicate that any Defendant has consented to a further extension of the TRO. Therefore, the motion to extend the TRO is

STATEMENT

denied. Although Plaintiffs did not raise this issue at the time that the preliminary injunction hearing was scheduled, since Plaintiffs now indicate that they are concerned that an injunction will not be in place between January 18, 2013, and January 22, 2013, the court will strike the preliminary injunction hearing set for January 22, 2013, and schedule the preliminary injunction hearing for 10:00 a.m. on January 17, 2013.